

Steven Teplitz  
Vice President and  
Associate General Counsel

February 5, 2003

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20054

Re: **Ex Parte**  
*In the Matter of Revision of Part 15 of the Commission's*  
*Rules Regarding Ultra-Wideband Transmission Systems,*  
ET Docket No. 98-153

Dear Ms. Dortch:

On February 4, 2003 and February 5, 2003, the undersigned discussed the above-captioned proceeding with Susan Eid, Legal Advisor to Chairman Powell; Sam Feder and Catherine Bohigian, Legal Advisors to Commissioner Martin; Jennifer Manner and Stacy Robinson, Legal Advisors to Commissioner Abernathy; Paul Margie, Legal Advisor to Commissioner Copps; and Barry Ohlson, Legal Advisor to Commissioner Adelstein.

In these discussions, AOL Time Warner ("AOLTW") expressed support for the petition for reconsideration and related studies filed by the Satellite Industry Association ("SIA"). While AOLTW supports the development of Ultra-Wideband ("UWB") transmission systems as contemplated by the Commission in this proceeding, further analysis and testing are necessary with respect to the deployment of UWB devices using certain satellite reception frequencies.

Based on the studies done by SIA and some of its members, it appears highly likely that, without certain modifications to the Commission's UWB rules, UWB devices will cause significant interference to the reception of satellite signals in the C-band frequencies (3.7 – 4.2 GHz). Because the C-band frequencies are used for video program distribution for nearly all other cable and broadcast television networks, it is imperative that further analysis be done, and appropriate technical

revisions be made in the FCC's UWB rules, to ensure that UWB technology can be deployed without disrupting cable service to millions of consumers.

The studies submitted to the Commission by SIA demonstrate that the peak emission limits the Commission adopted for UWB devices are not sufficient to protect the thousands of C-band receive antennas deployed nationwide from harmful interference. In fact, studies show that UWB devices operating at their allowed peak power densities could interfere with C-band reception at distances of up to 4.4 kilometers between a UWB device and a satellite earth station. Given this interference potential, widespread deployment of UWB devices under current technical rules could cause significant disruption to video program distribution.

Because of the substantial likelihood of interference, AOLTW submits that further study and testing of the use of C-band frequencies by UWB devices are required. We believe that the additional analysis will generate a "win-win" solution to UWB/C-band satellite frequency sharing through changes in the peak power density and pulse repetition frequency parameters currently permitted for UWB devices.

Based on the foregoing, AOLTW urge the Commission to defer adopting final technical rules for UWB devices until the C-band interference potential can be further studied and appropriate remedies adopted.

Pursuant to Section 1.1206(b) of the Commission's rules, two copies of this letter are being provided to you for inclusion in the public record of this proceeding. Should you have any questions, please do not hesitate to contact me.

Respectfully submitted,

/s/

Steven N. Teplitz  
Vice President and  
Associate General Counsel

cc: Chairman Michael K. Powell

Marlene H. Dortch, Secretary

February 5, 2003

Page 3

Commissioner Kathleen Q. Abernathy

Commissioner Michael J. Copps

Commissioner Kevin J. Martin

Commissioner Jonathan S. Adelstein

Susan Eid

Sam Feder

Catherine Bohigian

Jennifer Manner

Stacy Robinson

Paul Margie

Barry Ohlson